

EXHIBIT A



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October 3, 2018

La Rond Baker
Assistant Attorney General
Wing Luke Civil Rights Unit
Washington State Office of the Attorney General
800 Fifth Avenue, Suite 200
Seattle, WA 98104

Via email

Re: **Confidentiality Designation in *Washington v. GEO*, Case No. 17-cv-05806-RJB**

La Rond:

Pursuant to the parties' Protective Order, issued by Judge Bryan on June 26, 2018 (Dkt. Entry # 70), GEO provides notice that the State of Washington's (the "State's") expert report should be designated confidential, at least in part.

Pursuant to Section 5.2 of the Protective Order, "a designating party may designate information or items produced in this litigation by another party or non-party that contains or is derived from the designating party's own confidential information by designating for protection those parts or portions of the document that qualify for protection."

As a preliminary matter, GEO notes that it is hamstrung at this stage of the case in discerning the exact pages of Mr. Nickerson's report and appendices that contain information that was "derived from [GEO's] own confidential information." As a result, GEO requests that the State, with its superior understanding of its expert's opinions and supporting materials, appropriately designate as confidential all pages that contain information or opinions derived from GEO's confidential information. At the very least, pages 6, and 8-10, which cite to or discuss confidential business records, should be designated confidential. *See* Expert Report of Peter H. Nickerson, dated September 20, 2018, at 9-10 (citing GEO-State-022246 and GEO-State-022248 (both marked confidential in the file name of the native excel spreadsheet, as well as the corresponding TIFF image)). However, to the extent any other pages of Mr. Nickerson's report contain opinions derived from GEO's confidential records, those pages also must be so designated.

Please produce an amended version of Mr. Nickerson's report with the appropriate confidentiality designations by no later than October 10, 2018.

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October 3, 2018

Page 2

Furthermore, we remind you that the parties are required to confer with each other prior to filing, discussing or referencing documents marked confidential in this litigation. *See* Protective Order § 4.3 (“Before filing confidential material or discussing or referencing such material in court filings, the filing party shall confer with the designating party to determine whether the designating party will remove the confidential designation, whether the document can be redacted, or whether a motion to seal or stipulation and proposed order is warranted.”). This provision will apply to any reference by the State to the confidential portions of Mr. Nickerson’s report and/or opinions.

If you have any questions regarding this request, please do not hesitate to reach out to me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dawn A. Ellison", with a stylized flourish at the end.

Dawn A. Ellison